

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**FEIZY IMPORT AND EXPORT  
COMPANY, LTD.,**  
*Plaintiff,*

v.

**SAFAVIEH, INC.,**  
*Defendant.*

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**Civil Action No. \_\_\_\_\_**

**JURY TRIAL REQUESTED**

**COMPLAINT FOR COPYRIGHT INFRINGEMENT**

Plaintiff, FEIZY IMPORT AND EXPORT COMPANY, LTD. (“Feizy”) by and through its undersigned counsel, files this its Complaint for copyright infringement against the Defendant, SAFAVIEH, INC. (“Safavieh”), and would respectfully show the Court as follows:

**JURISDICTION, VENUE AND PARTIES**

1. This action for infringement of copyright arises under the Copyright Laws of the United States, Title 17, United States Code. This Court has jurisdiction pursuant to 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1332 (diversity) and the Copyright Laws of the United States. Venue is based on the provisions of 28 U.S.C. § 1391(b).

2. Plaintiff, Feizy, is a Texas limited liability company having a principal place of business at 1949 N. Stemmons Freeway, Dallas, Texas 75207.

3. Upon information and belief, Defendant Safavieh is a New York corporation having a principal place of business at 410 Harbor Park Drive, Port Washington, New York 11050.

4. Defendant, on information and belief, has done business in Texas in connection with the accused infringing products, which have been distributed and sold to customers in Texas.

5. The matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.

**COUNT I**  
**COPYRIGHT INFRINGEMENT**

6. Feizy is an importer and wholesaler of rugs and carpets.

7. Feizy is the owner of the following copyright registrations for rug designs:

<b><u>Copyright Registration</u></b>	<b><u>Feizy Design Name</u></b>
VA 1-954-982	3369F Sorel
VA 1-954-981	3607F Brixton

Copies of the Certificates of Registrations for these copyrights are attached as Exhibit A.

8. In addition, Feizy is the owner of the copyright in a design known as 0603F. An application for registration of the copyright in this design was filed on October 12, 2015. All documents and fees necessary for registration of the copyright were provided to the Copyright Office on October 12, 2015 and copies are attached as Exhibit B.

9. The registered copyrights identified in Section 7 and the applied for copyright identified in Section 8 are referred to as the “Feizy Copyrights.”

10. The registered Feizy Copyrights identified in Section 7 are *prima facie* evidence of the validity of those copyrights and of the facts stated in the Certificates of Registration.  
17 U.S.C. § 410(c).

11. Defendant Safavieh, without license or consent from Feizy has reproduced, prepared derivative works from, imported, publicly displayed, offered for sale, sold and otherwise distributed the designs that are the subject of the Feizy Copyrights. These acts of the Defendant constitute infringement of the Feizy Copyrights. 17 U.S.C. § § 106, 501(a).

12. In particular, Safavieh has supplied rugs that reproduce the designs that are the subject of the Feizy Copyrights to Rue La La, which has sold the rugs as part of its Boudica and Evoke collections to the general public.

13. Unless restrained and enjoined by this Court, the Defendant will persist in its infringing acts, thus causing Feizy irreparable harm.

### **PRAYER**

Feizy prays that, after trial of this action, the Court enter a final judgment and permanent injunction as follows:

(a) that Safavieh and all those in active concert with Safavieh are permanently enjoined from infringing copyrights Nos. VA 1-954-982, VA 1-954-981 and the copyright in design 0603F Moneta;

(b) that Safavieh be ordered to pay Feizy (i) all damages suffered by Feizy as a result of Safavieh's infringement of Feizy's Copyrights and any profits of Safavieh attributable to those acts of infringement not taken into account in computing actual damages, or (ii) at Feizy's election, statutory damages under 17 U.S.C. § 504(c);

(c) that Feizy recover its costs and reasonable attorney's fees; and

(d) that Feizy have such other relief, legal and equitable, as the Court may deem just.

**JURY REQUEST**

Plaintiff requests trial by Jury.

Dated: October 16, 2015

Respectfully submitted,

/s/ John M. Cone  
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